

Message Text

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ORIGIN NEA-10

INFO OCT-01 AF-06 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07

L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

EB-07 /070 R

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H - MR. SCHNEE (PHONE)

L - MR. HUFFMAN S/S:FVORTIZ

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WHITE HOUSE - MR. HILLS(DRAFT)

AF/EPS - MR. WHITE

NEA - MR. SOBER

NEA/ARP - MR. DICKMAN

NEA/IAI - MS. VUNOVIC(SUBS)

NEA/RA-MR PALMER

NEA/ARN-MR DAY

NEA/AFN-MISSWEISLOGEL

S/S-MR ORTIZ

M/MR THEROS

----- 085353

R 152042Z AUG 75

FM SECSTATE WASHDC

TO AMEMBASSY ALGIERS

AMEMBASSY AMMAN

AMEMBASSY CAIRO

USINT BAGHDAD

AMEMBASSY BEIRUT

AMEMBASSY DAMASCUS

AMCONSUL DHAHRAN

AMEMBASSY DOHA

AMEMBASSY JIDDA

AMEMBASSY KUWAIT

AMEMBASSY MANAMA

AMEMBASSY RABAT

AMEMBASSY TRIPOLI

AMEMBASSY TUNIS

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AMEMBASSY ABU DHABI

AMEMBASSY KHARTOUM

AMEMBASSY MOGADISCIO

AMEMBASSY MUSCAT
AMEMBASSY NOUAKCHOTT
AMEMBASSY SANA
INFO AMEMBASSY PRETORIA
AMEMBASSY TEL AVIV

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E.O. 11652: N/A

TAGS: BGEN, AG, JO, EG, IZ, LE, SY, SA, QA, SA, KU, BA,
MO, LY, TU
SUBJECT: REQUIREMENTS RE DOMESTIC HIRING BY FIRMS FOR
EMPLOYMENT ABROAD -- IMPACT ON QUALIFICATION OF FIRMS TO
OBTAIN USG CONTRACTS UNDER E.O. 11246

1. EXECUTIVE ORDER 11246, EQUAL OPPORTUNITY IN FEDERAL
EMPLOYMENT, FORBIDS PRIVATE EMPLOYERS, WHILE THEY HOLD CON-
TRACTS OR SUBCONTRACTS WITH THE U. S. GOVERNMENT, TO DIS-
CRIMINATE AGAINST THEIR EMPLOYEES BECAUSE OF RACE, COLOR,
RELIGION, SEX OR NATIONAL ORIGIN. IT ALSO IMPOSES ON THE
EMPLOYER A DUTY OF TAKING AFFIRMATIVE ACTION TO ENSURE THAT
APPLICANTS FOR EMPLOYMENT AND EMPLOYEES ARE NOT DISCRIMINA-
TED AGAINST IN THEIR EMPLOYMENT BECAUSE OF RACE ET CETERA.
EXECUTIVE ORDER GOVERNS HIRING AND EMPLOYMENT OF PERSONS IN
UNITED STATES FOR FOREIGN PROJECTS EVEN IF PROJECTS UN-
CONNECTED WITH EMPLOYERS' CONTRACTS WITH USG. THIS COULD
POSE PROBLEMS WHERE A COUNTRY'S POLICIES HAVE EFFECT OF
FRUSTRATING EQUAL EMPLOYMENT OPPORTUNITIES. ONE IMMEDIATE

PROBLEM IS APPARENT PRACTICE OF CERTAIN ARAB COUNTRIES
TO REFUSE ADMISSION TO VISA APPLICANTS (AMONG THEM PRESENT
OR PROSPECTIVE EMPLOYEES OF U. S. FIRMS) BECAUSE THEY ARE
JEWISH, BUT ISSUE COULD ARISE IN CASE OF ANY COUNTRY WHICH
REGULATES ADMISSION ACCORDING TO ANY OF CATEGORIES LISTED
IN EXECUTIVE ORDER.

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2. EMBASSIES AWARE OF DISCRIMINATORY VISA PRACTICES OF
THEIR HOST GOVERNMENTS SHOULD, UNLESS THE CHIEF OF MISSION
DECIDES THAT IT WOULD BE COUNTERPRODUCTIVE TO DO SO,
COMMUNICATE (OR REITERATE WHERE APPROPRIATE) THE SERIOUS-
NESS WITH WHICH USG VIEWS DISCRIMINATION AMONG ITS CITI-
ZENS ON THE BASIS OF RACE, RELIGION, ET CETERA. SUCH
COMMUNICATIONS MAY: (A) POINT OUT POTENTIAL FOR CONFLICT
BETWEEN U. S. LAW AND COUNTRY VISA PRACTICES WHICH COULD
FORCE U. S. FIRMS TO CHOOSE BETWEEN CONTINUED TRANSACTION
OF BUSINESS IN A FOREIGN COUNTRY WHICH DISCRIMINATES IN
ADMISSION OF EMPLOYEES OF THAT FIRM ON BASIS OF ABOVE
CITED CRITERIA, AND PRIVILEGE OF CONTRACTING WITH USG AND

(B) INDICATE WE ARE HOPEFUL THAT DIALOGUE AT THIS TIME CAN SERVE TO END ACTUAL OR APPARENT DISCRIMINATION AND PREVENT POSSIBILITY OF FUTURE DIFFICULTIES SUCH CONFLICT COULD CAUSE FOR CONTINUED CLOSE COOPERATION IN COMMERCIAL, DEVELOPMENT AND INVESTMENT FIELDS.

3. POSTS IN ALL COUNTRIES WHERE APPROACH MADE PER PARA 2 ABOVE SHOULD NOTE THAT INQUIRIES AS TO RELIGION OR ETHNIC BACKGROUND IN CONNECTION WITH VISA APPLICATIONS COULD RAISE PRESUMPTION THAT SUCH FACTOR IS A DECIDING ELEMENT IN VISA ISSUANCES. UNITED STATES DOES NOT OBJECT, OF COURSE, TO HOST COUNTRY'S EXCLUSION OF PERSONS WHO ARE BELIEVED BY THE HOST GOVERNMENT TO HOLD VIEWS ANTAGONISTIC TO THE POLICIES OR OBJECTIVES OF THAT GOVERNMENT. HOWEVER, THERE IS NO JUSTIFICATION IN OUR VIEW FOR USING THE RELIGIOUS OR ETHNIC BACKGROUND, AS SUCH, OF AMERICAN CITIZENS AS INDICATORS OF THEIR POLITICAL BELIEFS.

4. POSTS ARE REQUESTED TO REPORT HOST COUNTRY REACTION, WHERE APPROACH IS MADE, AND PROVIDE APPROPRIATE COMMENT AND SUGGESTIONS REGARDING THIS ISSUE. WHERE APPROACH PER PARA 2 NOT MADE, PLEASE INDICATE TO DEPARTMENT (BY APPROPRIATE MEANS) WHY NOT.

5. FYI: POSTS SHOULD BE AWARE OF HEIGHTENING CONCERN ON PART OF THE CONGRESS, THE ADMINISTRATION AND THE PUBLIC ABOUT PRACTICES AND ALLEGED PRACTICES WITH RESPECT TO VISA DISCRIMINATION AND ARAB BOYCOTT "COMPLIANCE." QUITE A FEW BILLS ADDRESSING THESE MATTERS HAVE BEEN INTRODUCED IN LIMITED OFFICIAL USE
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CONGRESS. SOME CALL FOR VARIOUS SANCTIONS. DEPARTMENT EXPECTS TO SEND POSTS FURTHER INFORMATIONAL AND OPERATIONAL MESSAGES AS SITUATION DEVELOPS ON THE HILL AND WITHIN THE ADMINISTRATION. SISCO

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CAIRO
BAGHDAD
BEIRUT
DAMASCUS

DHAHRAN

DOHA

JIDDA

KUWAIT

MANAMA

RABAT

TRIPOLI

TUNIS

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